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Paper No. 29

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In re Application of:
Jaffe et al.
Application No. 09/433,730
Filed: November 3, 1999
For: DUAL MODE QAM/VSB RECEIVER

MAIL

JUN 18 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

This is a decision on the Request to Withdraw the Holding of Abandonment filed March 6, 2003.

The petition is **GRANTED**.

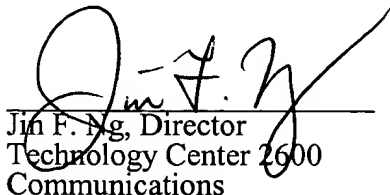
This application became abandoned for failure to timely file a proper reply to the final Office action mailed July 17, 2002. The final Office action set a shortened statutory period of three (3) months for reply.

Petitioner alleges to have timely filed a Request for Continued Examination (RCE). To support this, Petitioner has included a copy of the date-stamped postcard indicating timely receipt by the Patent Office on August 23, 2002. A copy of the RCE is included with the Request to Withdraw the Holding of Abandonment along with a copy of a check for \$740 for the RCE filing fee, a copy of an Amendment After Final Action, RCE Fee Calculation Sheet, and a copy of the postcard itemizing these documents. Thus, the RCE is timely. The RCE filing fee of \$740 has been credited to the instant application.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file.

Therefore, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to Technology Center's technical support staff for processing the RCE. From there, the file will be forwarded to the Examiner for further consideration in due course.


Jim F. Ng, Director
Technology Center 2600
Communications